

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of the)	WT Docket No. 03-66
Commission's Rules to Facilitate the Provision of Fixed)	RM-10586
and Mobile Broadband Access, Educational and Other)	
Advanced Services in the 2150-2162 and 2500-2690)	
MHz Bands)	
)	
Part 1 of the Commission's Rules - Further Competitive)	WT Docket No. 03-67
Bidding Procedures)	
)	
Amendment of Parts 21 and 74 to Enable Multipoint)	MM Docket No. 97-217
Distribution Service and the Instructional Television)	
Fixed Service to Engage in Fixed Two-Way)	
Transmissions)	
)	
Amendment of Parts 21 and 74 of the Commission's Rules)	WT Docket No. 02-68
With Regard to Licensing in the Multipoint Distribution)	RM-9718
Service and in the Instructional Television Fixed Service)	
for the Gulf of Mexico)	
)	
Promoting Efficient Use of Spectrum Through)	WT Docket No. 00-230
Elimination of Barriers to the Development of)	
Secondary Markets)	

**SPRINT CONSOLIDATED REPLY TO OPPOSITIONS TO
PETITION FOR RECONSIDERATION**

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TABLE OF CONTENTS

Summary	ii
I. DISCUSSION.....	2
A. The Waiver Process Adopted By The Commission Is The Appropriate Mechanism To Award Opt-Out Authority To MVPD Entities.....	2
B. Cost-Sharing Framework.....	5
C. Technical Issues.....	7
1. Out-Of-Band Emissions.....	7
2. Signal Strength At GSA Boundaries.....	10
3. Height Benchmarking.....	11
D. Safe Harbors	12
E. Delays In Responding To Pre-Transition Data Requests Should Not Be Permitted	13
F. Self-Transitions Should Not Be Permitted Prior To The Initiation Plan Filing Deadline	14
III. CONCLUSION.....	15

Summary

Sprint makes the following points in this consolidated reply:

1. Although Sprint has supported the Coalition's MVPD opt-out proposal, it is concerned that adoption of that proposal could unintentionally result in unanticipated numbers of opt-outs across the U.S., including large markets, which could have disruptive impacts to adjacent markets and service deployments. Sprint now believes that the waiver process adopted by the Commission is a preferable means for awarding opt-out authority, as it would provide oversight to ensure that opt-outs meet the public interest. Sprint believes that certain operators that meet the Coalition's opt-out criteria, such as W.A.T.C.H. TV, will have persuasive cases and should obtain a waiver under this process.

2. Sprint provides additional comment on rules governing reimbursing transition costs to proponents. Sprint's proposed framework allocates reimbursement responsibilities fairly among and between those entities deriving the commercial benefit of the transition of that market. The framework triggers reimbursement upon service deployment, which addresses concerns of the majority of commenters, but requires payment in full for all spectrum owned or leased by the reimbursing entity, which ensures that proponents will be reimbursed faster than a call sign-by-call sign approach.

3. Sprint addresses the technical requirements for out-of-band emissions, signal strength at GSA boundaries and height benchmarking. The tighter out-of-band emissions masks should not be predicated upon documented interference submissions. Entities that elect to exceed the signal strength limits at the GSA boundaries in permissive cases where no adjacent market licensee has deployed should be required to notify such licensee that it is exceeding the limits and be prepared to meet the more stringent limit as soon as deployment occurs. Similarly, entities that build above the applicable height benchmark should be required to resolve any resulting interference to pre-existing base stations within twenty-four hours.

4. Sprint supports the adoption of Safe Harbor # 3 and Safe Harbor # 4, which were originally contained in the Coalition Proposal. IMWED's objection to those Safe Harbors should be rejected. Contrary to IMWED's suggestions, Safe Harbor # 3 allows an EBS licensee to keep all of its LBS and/or UBS channels and the channel apportionment called for under Safe Harbor # 4 is achievable.

5. Sprint supports WCA's proposal to require licensees to respond to Section 27.1231(f) pre-transition data requests no later than twenty-one days from receipt and to allow proponents to proceed with a transition without having to migrate a non-responsive licensee's programming tracks to the MBS, replace a non-responsive licensee's downconverters, or provide otherwise applicable desired-to-undesired signal levels at a non-responsive licensee's receive sites.

6. Sprint objects to proposals that would allow licensees to self-transition prior to the Initiation Plan filing deadline where consent has been obtained from all licensees with overlapping GSAs. The self-transition option is a narrowly-tailored mechanism to accommodate licensees in markets where no proponent has emerged. Allowing self-transitions prior to the Initiation Plan filing deadline would complicate the transition and coordination plans of a proponent that had not yet filed its plan.

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Sprint Corporation ("Sprint"), pursuant to Section 1.429(g) of the Federal Communications Commission's ("FCC" or "Commission") Rules, submits this consolidated opposition to petitions for reconsideration of the *BRS R&O* filed by various parties.¹

¹ *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz bands*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 14165 (2004) ("*BRS R&O*" and "*FNPRM*").

Sprint is a licensee and lessee of Broadband Radio Service (“BRS”) and Educational Broadband Service (“EBS”) spectrum, and has been an active participant in this proceeding. Sprint filed a petition for reconsideration to refine certain aspects of the rules adopted under the *BRS R&O*, and opposed various proposals in other petitions that, in Sprint’s view, would complicate transitions to the new BRS/EBS bandplan and counteract the Commission’s flexible use goals for the band. What follows is Sprint’s reply to oppositions filed by other parties.

I. DISCUSSION

A. The Waiver Process Adopted By The Commission Is The Appropriate Mechanism To Award Opt-Out Authority To MVPD Entities.

Sprint reiterates its concern regarding the breadth of proposals which seek to expand the concept of MVPD opt-out to encompass nearly all MVPD operators.² Since the filing of the Coalition White Paper, Sprint has supported the Coalition’s limited opt-out mechanism for multichannel video programming distributors (“MVPDs”).³ Sprint’s support for that mechanism, however, has been predicated upon the understanding and belief that only a limited number of entities would qualify for this automatic mechanism and that these entities would be sufficiently isolated from other markets so that there would be little or no disruptive effect associated with any given opt-out election. Indeed, the opt-out mechanism developed by the Coalition was seen as a way to allow a very small number of operators who had already developed relatively

² See Consolidated Opposition to Petitions for Reconsideration of Sprint, WT Docket No. 03-66 (filed on Feb. 22, 2005) at 10 (“Sprint Opposition”).

³ The Coalition proposed that that either are (i) providing service to at least five percent of the households in their Geographic Service Areas (“GSAs”), or (ii) providing digital video service using more than seven digitized video channels as of October 7, 2002, should be permitted to opt-out of the transition process. *First Supplement To ‘A Proposal For Revising The MDS And ITFS Regulatory Regime,’* Wireless Communications Association International, Inc., National ITFS Association and Catholic Television Network (the “Coalition”), RM-10586, WT Docket No. 03-66 (filed Nov. 14, 2002) at 4-5.

successful multichannel video distribution businesses and were continuing to invest and grow those businesses.

Although Sprint has supported the Coalition's MVPD opt-out proposal, it is concerned that even the criteria set forth therein could in fact unintentionally result in automatic opt-outs across the U.S., including large markets, the non-transition of which would be more likely to have disruptive impacts to adjacent markets. Sprint submits that the benefits of flexibility that flow from an opt-out capability can become counter-productive in situations where exercise of the option prevents a preponderance of other in-market licensees and/or lessees who are not included in the robust MVPD system from transitioning or has the spill-over effect of preventing adjacent or nearby markets from transitioning altogether. As Sprint has consistently observed, "If the [BRS/EBS] band is to evolve into new technologies and services, it cannot be held hostage to static technologies that serve a smattering of the population."⁴

The interest expressed in the record by entities wanting to pursue opt-outs under all manner of theories has now convinced Sprint that the Commission must exercise oversight of the opt-out process. To that end, Sprint has come to believe that the waiver process adopted by the Commission is preferable to the Coalition's opt-out proposal, because the waiver process would provide such oversight. Sprint acknowledges that this is a departure from its previously stated position. However, the uncertainties that the opt-out process itself presents – and in particular, just how many markets will ultimately be impacted by such provision – implicate the national transition to the new BRS/EBS bandplan, which in Sprint's view must take priority.

⁴ Reply Comments of Sprint, WT Docket No. 03-66 (filed on Oct. 23, 2003) at 14; Sprint Opposition at 10.

While Sprint recognizes that the waiver process can present delays and uncertainties into the opt-out process, it seems likely that certain independent single system operators, primarily in remote areas, will meet the Coalition's opt-out criteria and have legitimate and persuasive cases for obtaining a waiver. It is clear, for example, that W.A.T.C.H. TV – an MVPD that has built a highly successful and thriving multichannel video distribution business under the old BRS rules that is serving greater than five percent of the households in its market – should qualify for a waiver to opt out of transitioning under the new BRS rules and Sprint would fully support that request.⁵ The waiver process will provide some control to ensure that the broader public interest is upheld.⁶ In this regard, Sprint agrees with IMWED that the impact of any given opt-out waiver request upon neighboring geographic markets should be considered, among other relevant criteria, which again requires oversight and review by the Commission, which the waiver process provides.⁷

Finally, Sprint opposes BellSouth's proposal to allow entities that opt-out to self-transition during the self-transition period.⁸ In Sprint's view, it is unreasonable and inequitable that an entity could opt out – thus preventing all other licensees/lessees within that market from transitioning to the new BRS/EBS bandplan and potentially preventing neighboring markets

⁵ WH-TV, Inc. d/b/a Digital TV One and Choice Communications, LLC, are two other companies that appear well-qualified for a waiver to opt out of transitioning under the new BRS rules.

⁶ Sprint further notes that the Commission's proposal to allow licensees to return spectrum in the Lower band Segment ("LBS") and Upper Band Segment ("UBS") in exchange for a digitized 6 MHz channel in the MBS represents a fair alternative to analog MVPD operators that are unable to transition to the new bandplan and do not qualify for a waiver to opt out. *See FNPRM* at ¶¶ 313-314.

⁷ *See Consolidated Opposition to Petitions for Reconsideration of the ITFS/2.5 GHz Mobile Wireless Engineering & Development Alliance, Inc. ("IMWED")*, WT Docket No. 03-66 (filed Feb. 22, 2005) at 17 ("IMWED Opposition").

⁸ *See Consolidated Opposition to Petitions for Reconsideration of BellSouth Corporation, BellSouth Wireless Cable, Inc. and South Florida Television, Inc. (collectively, "BellSouth")*, WT Docket No. 03-66 (filed Feb. 22, 2005) at 18-19.

from transitioning to and realizing the benefits of the new BRS/EBS bandplan – only to turn around as soon as those other licensees/lessees efforts and plans have been extinguished and decide that it wanted to transition after all. Again, the waiver process provides oversight and can prevent problems from occurring.

B. Cost-Sharing Framework.

Sprint agrees with WCA and others that the costs of transitioning EBS stations within a transition area should be apportioned among the entities that use the LBS/UBS for commercial purposes.⁹ These entities derive a significant commercial benefit from the rechannelization of the BRS/EBS band. As Sprint has indicated previously, reimbursement should not be required until the commercial user commence operations. To provide clarification on the type of reimbursement framework that Sprint would endorse, Sprint here proposes that the BRS reimbursement scheme adopted by the Commission should contain the following key elements:

- Reimbursement should not be required until the commercial user commence operations in the market.
- Entities should be prohibited from using owned or leased BRS or EBS spectrum in the LBS or UBS for commercial purposes prior to reimbursing its *pro rata* share of transition costs to the proponent;¹⁰
- The *pro rata* share of transition costs that are reimbursed to the proponent should be derived by multiplying the total BRS and/or EBS bandwidth in the transition market that is licensed or leased to the entity against the total population serviced by such spectrum, except to the extent that *pro rata* transition costs for such BRS and/or EBS spectrum have already been reimbursed;

⁹ See Petition for Partial Reconsideration of the Wireless Communications Association International, Inc. (“WCA”), WT Docket No. 03-66 (filed Jan. 10, 2005) at 21 (“WCA Petition”). See also Consolidated Opposition to Petitions For Reconsideration of Nextel Communications, WT Docket No. 03-66 (filed on Feb. 22, 2005) at 4.

¹⁰ Spectrum is “used” for commercial purposes when a base station is activated for the purpose of providing commercial service. Formal educational programming provided to students enrolled in accredited programs does not constitute commercial service.

- If the proponent transitions stations in an adjacent geographic area due to interference issues, those costs should be reimbursed by the proponent of that adjacent geographic market at or before the filing of the Post-Transition Notification for that adjacent geographic market;
- Reimbursement costs should be limited to the specific items identified in Attachment A;
- Disputes over reimbursement costs should be settled by alternative dispute resolution mechanisms; and
- With respect to any markets that are not transitioned by a proponent but contain a self-transitioned EBS licensee(s), the first entity to launch commercial service in such market should reimburse the self-transitioned EBS licensee(s) for MBS program migration and provide new downconverters for eligible receive sites, and subsequent commercial licensees/operators entering the market should reimburse the first commercial entity based upon the MHz/POPs formula described above.

There are myriad benefits to this cost-sharing framework. By calculating reimbursement obligations upon the amount of MHz/POPs held within the transitioned market, the framework allocates reimbursement responsibilities fairly among and between those entities deriving the commercial benefit of the transition of that market. And because it is formulated as a condition-precedent to commercial operations and is not tied to deployments in call signs, it does not entangle EBS licensees in the reimbursement process.¹¹ Further, by requiring payment based upon all licensed and leased spectrum that the reimbursing entity controls, the framework ensures that the majority of reimbursement monies should be paid early on – and not staggered over time on a call sign-by-call sign basis – thus addressing the concerns of parties such as Clearwire that lobby for faster reimbursements.¹² Another benefit of the framework is that it does not require the Commission to review lease terms, because operators are obligated to

¹¹ The framework makes clear that spectrum used to provide formal educational programming to students enrolled in accredited programs does not constitute commercial service and, thus, is not subject to the reimbursement rules.

¹² See Petition for Reconsideration of Clearwire Corporation, WT Docket No. 03-66 (filed Jan. 10, 2005) at 7 (“Clearwire Petition”).

calculate all of the spectrum they lease in a given market into their *pro rata* reimbursement share. The framework also minimizes disputes over costs encountered in transitioning a market by identifying precisely which costs are reimbursable. Finally, the framework addresses self-transitioned markets in the same manner as those transitioned by a proponent.

Sprint opposes IMWED's suggestion that any service offered by an EBS licensee should be exempt from reimbursement obligations.¹³ The benefit of the BRS/EBS rebanding scheme is to make possible new and innovative commercial services, while allowing traditional educational programming services to continue. Contrary to IMWED's apparent contention, there is nothing "blurry" about distinguishing between what is and what is not commercial in nature, simply because such service is provided by an EBS entity, as IMWED's own examples make clear. For example, IMWED suggests that "streaming MBS video to mobile devices for [] commercial purposes," "wireless broadband service to emergency first-responders" and "wireless broadband service for a fee to school administration buildings" are not commercial.¹⁴ Sprint fails to comprehend how any of these examples could be regarded as anything but commercial, irrespective of whether they are being offered by a non-profit entity.

C. Technical Issues.

1. Out-of-Band Emissions.

Sprint supports the WCA's proposal to revise Section 27.53(l)(2) so that base stations could be required to meet the tighter $67 + 10 \log (P)$ dB emissions mask upon request of an adjacent market licensee rather than requiring such licensee to produce a documented

¹³ See IMWED Opposition at 11.

¹⁴ *Id.*

interference complaint.¹⁵ WCA also proposed a new subsection addressing out-of-band emission (“OOBE”) from non-mobile consumer digital stations transmitting via outdoor-mounted antennas.¹⁶ Both of these proposals address significant interference potentials. Base stations that do not meet the tighter OOBE mask have the potential to cripple neighboring markets. The non-mobile consumer digital stations transmitting via outdoor-mounted antennas typically involve the use of high-gain antennas operating at higher EIRP levels. The higher these antennas are mounted relative to ground level, the greater their potential to have line-of-sight to and disrupt surrounding base stations. WCA’s proposal addresses the interference problems posed by these latter devices by permitting operators to request the application of a tighter OOBE mask where the antennas are both (i) mounted more than 20 feet above ground level (“AGL”) and (ii) located in urban areas.¹⁷ Sprint supports WCA’s OOBE proposals (except, as explained below, for the response times under proposed Section 27.53(l)(3)).

Sprint appreciates the desire to deploy expeditiously, but believes that Clearwire’s contentions that the WCA proposals will restrict broadband deployments and eliminate private negotiations are overstated.¹⁸ As a starting point, it must be remembered that the point of establishing dual OOBE masks, height benchmarking and related technical rules was to make the BRS/EBS band flexible enough to allow the deployment of non-synchronized Time Division

¹⁵ See WCA Petition at 40-44.

¹⁶ See *id.* at 44-46.

¹⁷ In contrast, antennas mounted in rural areas at any height and antennas in urban areas mounted at or below 20 feet AGL could be required to meet the tighter emission mask only after failure to resolve a documented interference complaint. The proposal recognizes that applying the tighter OOBE mask to rural operations in the absence of a documented interference complaint is inefficient, as it likely would be unnecessary in most rural installations.

¹⁸ See Opposition to Petitions for Reconsideration of Clearwire Corporation (“Clearwire”), WT Docket No. WT 03-66 (filed on Feb. 22, 2005) at 4 (“Clearwire Opposition”).

Duplex (“TDD”) and Frequency Division Duplex (“FDD”) technologies in the absence of voluntary coordination and thus more efficiently utilize the BRS/EBS spectrum.¹⁹ This probably explains why the technical sector of the industry appeared to favor this approach, as exemplified by IPWireless:

The Coalition technical proposal, including the equipment certification emission masks and the deployment-based emission limits, presents a practical solution to coexistence of TDD with non-synchronized TDD and also to coexistence of TDD with FDD. The White Paper solution provides a flexible approach. Adjacent operators of non-compatible systems would be required to implement a shared pseudo-guard band between their systems, as well as to adopt increased attenuation measures to protect the noise floors of both systems. When adjacent operators deploy compatible TDD or FDD technology, no additional protection is required beyond the basic equipment certification mask. No operator is required by rule to adopt a particular technology.²⁰

Whether applied to base stations or non-mobile consumer digital stations transmitting via outdoor-mounted antennas, the tighter OOB mask is addressed by adding filtering.

In Sprint’s view, conditioning application of the more stringent mask solely upon the filing of a documented interference complaint presents significant problems. First and foremost, tying the tighter OOB mask to the filing of a documented interference complaint necessarily requires that the victim operator endure interference to its base station – which in turn potentially affects *all* of the subscribers served by that base station. This can be a protracted process. Merely tracking down and documenting the source of the interference presents difficulties and time expenditures. In the case of non-mobile consumer digital stations transmitting via outdoor-mounted antennas, such exercise may be entirely impractical because it would require identifying the precise antenna among the potentially thousands of antennas that can be found

¹⁹ See Comments of the Wireless Communications Association International, Inc., the National ITFS Association and the Catholic Television Network, WT Docket No. 03-66, at 53 (filed on Sept. 8, 2003).

²⁰ Reply Comments of IPWireless, Inc. (“IPWireless”), WT Docket No. 03-66 (filed on Oct. 22, 2003) , at 3. See also Reply Comments of Flarion Corp., WT Docket No. 03-66 (filed on Oct. 22, 2003) at 2; Reply Comments of Navini Networks, WT Docket No. 03-66 (filed on Oct. 22, 2003) at 2; Reply Comments of Soma Networks, WT Docket No. 03-66 (filed on Oct. 22, 2003) at 2.

mounted outdoors in any given urban area. Moreover, even if one could readily identify an offending antenna among the crowded urban landscape, given that urban areas are precisely the areas likely to have high concentrations of installations, proceeding on a documented interference case-by-case documented interference case would be administratively inefficient. Further, once the interference is identified and documented, additional delays would be entailed in presenting that case to the Commission and awaiting subsequent administrative action.

2. Signal Strength At GSA Boundaries.

Sprint agrees with WCA and Nextel that the Commission should revise Section 27.55(a)(4) to prohibit licensees from exceeding the maximum signal strength limit at its GSA boundary unless it has obtained prior consent from the relevant neighboring licensee(s).²¹ Allowing licensees to ignore the signal strength limit when the neighboring licensee's facilities are not constructed (and no service is being provided) merely shifts the burden of compliance with interference protection requirements from the party causing interference to the victim of that interference, which makes no sense. The victim in this case – the neighboring licensee that has now constructed facilities and is providing service (where it can) – must track down and identify the source of the interference and then get the offending operator to come into compliance. Sprint disagrees with Clearwire's contention that consent could be withheld as a means to prevent build-out of a competitor's system.²² Licensees must be prepared to meet the limit when the neighboring licensee has constructed, so they clearly have no expectation of being able to exceed the limit and the limit itself does not present any technical obstacles to compliance. Sprint also disagrees with Clearwire's contention that the WCA's alternative proposal to require licensees exceeding the GSA boundary signal strength limit to notify the cochannel licensee in the adjacent GSA

²¹ See WCA Petition at 38-40. See also Petition For Partial Reconsideration of Nextel Communications, WT Docket No. 03-66 (filed on Jan. 10, 2005) ("Nextel Petition") at 30-31.

²² See Clearwire Opposition at 9.

of such non-compliance (so that it will be aware of the potential for interference) would be unduly burdensome.²³ The purpose behind requiring such notification is to reduce the burdens on the interference victim.²⁴

3. Height Benchmarking.

Sprint supports the height benchmarking rule to be proposed in WCA's consolidated reply to oppositions to petition for reconsideration, which builds upon the proposal initially proffered by Nextel. The hallmarks of that proposal are that it allows parties to exceed the benchmark but provide adequate interference protection to other licensees by requiring the licensee operating outside of benchmark to meet the specified undesired signal level or meet the benchmark within twenty-four hours (if the base station that exceeds its height benchmark commenced operations after the station with which it interferes) or sixty days (if the base station that exceeds its height benchmark commenced operations prior to the station with which it interferes). Further, the provision provides a mechanism for exchanging base station height and coordinate information so that licensees will not have to waste time and effort tracking down and identifying the likely sources of interference. The WCA proposal addresses concerns raised by Clearwire regarding the confidentiality of such information by prohibiting disclosure of base station information that is divulged pursuant to the rule.²⁵

²³ *See id.*

²⁴ *See* WCA Petition at 39-40.

²⁵ *See* Clearwire Opposition at 7-8. Clearwire had proposed the use of a third-party clearing house to ensure confidentiality of that information. In Sprint's view, however, the introduction of another layer into the coordination process is neither efficient nor necessary.

D. Safe Harbors.

Sprint supports the petitions of WCA and NIA/CTN, which request that the Commission adopt Safe Harbor #3 and Safe Harbor #4,²⁶ which were originally contained in the Coalition Proposal.²⁷ The Commission elected not to adopt these safe harbors on the basis that they would not constitute rules of generally applicability.²⁸ As WCA pointed out, however, these safe harbors cover relatively common situations and, therefore, should not be regarded as outside the scope of a generally applicable rule.²⁹ Sprint agrees with that assessment and the need to adopt these important measures.

Sprint disagrees with IMWED's contention that allowing proponents to make channel swaps under Safe Harbor #3 would diminish the ability of EBS licensees to offer broadband wireless services on LBS or UBS spectrum.³⁰ Safe Harbor #3 would allow a proponent to digitize an EBS licensee's operations so that it could operate on its single Middle Band Segment ("MBS") channel or arrange a channel swap(s) that would provide the EBS licensee with additional channels in the MBS in exchange for an equal number of its LBS or UBS channels.³¹ IMWED's concerns seem misplaced because if an EBS licensee wants to keep all of its LBS and/or UBS channels under Safe Harbor #3, it need only request a single programming track in

²⁶ See WCA Petition at 22-24; Petition for Reconsideration of the Catholic Television Network and the National ITFS Association (collectively, "NIA/CTN"), WT Docket No. 03-66 (filed January 10, 2005) at 16-18 ("NIA/CTN Petition").

²⁷ See "A Proposal for Revising the MDS and ITFS Regulatory Regime," Wireless Communications Association International, Inc., National ITFS Association and Catholic Television Network, RM-10586 (filed Oct. 7, 2002), Appendix B at 23-25 ("Coalition Proposal").

²⁸ See *BRS R&O* at 14202 ¶ 90.

²⁹ See WCA Petition at 22-24. See also NIA/CTN Petition at 16.

³⁰ See IMWED Opposition at 5.

³¹ See WCA Petition at 22-24.

the MBS. Sprint also disagrees with IMWED's opposition to the adoption of Safe Harbor #4, which provides a mechanism for apportioning the three LBS/UBS channels and one MBS channel in an EBS channel group in cases where multiple licensees share the group and cannot agree on their disposition during the Transition Planning Period. IMWED contends that there is no practical means for apportioning these channels into usable quantities of spectrum.³² This contention is incorrect, as there are both numerous technologies that operate on relatively narrow channels (such as CDMA, which operates over 1.25 MHz channels and GSM, which operates over 200 kHz channels) and numerous examples of relatively narrow channel assignments contained in the Commission's rules themselves (such as narrowband PCS, which includes 100 kHz, 50 kHz and 12.5 kHz channels).

E. Delays In Responding To Pre-Transition Data Requests Should Not Be Permitted.

Sprint supports WCA and Nextel's proposals to require licensees to respond to Section 27.1231(f) pre-transition data requests no later than twenty-one days from receipt and to allow proponents to proceed with a transition without having to migrate a non-responsive licensee's programming tracks to the MBS, replace a non-responsive licensee's downconverters, or provide otherwise applicable desired-to-undesired signal levels at a non-responsive licensee's receive sites.³³ Sprint opposes the proposal of the Hispanic Information & Telecommunications Network ("HITN"), which would introduce unnecessary complications and delays into this process.³⁴ Simply put, the

³² See IMWED Opposition at 6.

³³ See WCA Petition at 18; Nextel Petition at 9-10.

³⁴ HITN contends that EBS licensees require forty-five days to respond to an initial pre-transition data request and that the proponent should be required to file a second notice by certified mail to non-responsive EBS licensees, who would then have an additional 15 days to respond. See Consolidated Comments of HITN Regarding Broadband Services Order Petitions for Reconsideration, WT Docket No. 03-66 (filed Feb. 22, 2005) at 3-4.

information required in a pre-transition data request is already known to the EBS licensees and they can begin compiling this information today so that many months from now when they are likely to receive a data request, they are not inconvenienced by that process.

F. Self-Transitions Should Not Be Permitted Prior To The Initiation Plan Filing Deadline.

Sprint disagrees with the IIT's proposal to allow licensees to self-transition prior to the Initiation Plan filing deadline where consent has been obtained from all licensees with overlapping GSAs.³⁵ The self-transition option – which Sprint supports – is a narrowly-tailored mechanism to accommodate licensees in markets where no proponent has emerged and who cannot economically justify transitioning the entire market themselves yet desire to retain and make use of their licensed spectrum. Given that the self-transition option is an option of last resort where no proponent steps forward, it makes no sense to permit self-transitions *before* the Initiation Plan filing deadline (since it will be impossible to know whether a proponent will not come forward until that time). Allowing self-transitions prior to that deadline would complicate the transition and coordination plans of a proponent that had not yet filed its plan. In any event, IIT's approach does not address the potential for cochannel interference that could arise between neighboring markets if one migrates to the new bandplan and others do not.

³⁵ See Response of Illinois Institute of Technology ("IIT") to Petitions for Reconsideration, WT Docket No. 03-66 (filed Feb. 22, 2005) at 9 n.22.

II. CONCLUSION

For the foregoing reasons, Sprint respectfully requests that the Commission act in accordance with the recommendations identified above.

Respectfully submitted,

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ATTACHMENT A

Reimbursable Transition Cost Categories

Pre-Transition Cost

Engineering/Consulting:

- Evaluation of equipment
- RX site identification
- EBS Programming plan covering the BTA
- Market Analysis (MHz per POP Study)
- RF study (interference analysis)
- Transition Plan Creation and Support

Project management (may be sourced external)

Filing Fees

Legal Fees

Site acquisition fees -contractor

Arbitrator Fee

Transmission Facility

Analog conversion

Transmitter upgrading or retuning

Combiner re-tuning or new

Power Divider/Circulator Adjacent Channel Combiner Hardware

STL/ Fiber relocation

Misc. Material Costs (cabling, connectors, etc.)

Contract labor:

- Tower

- Building Modifications

- Electrical/ HVAC

- Mechanical

Engineering:

- Structural

- Path Interference Analysis

Equipment disposal/shipping

Program Management (third party or internal costs to manage the BTA conversion)

Travel and Per Diem Cost

Reimbursable Transition Cost Categories

Transmission Facility

Digital conversion

- New Transmitter or retuning
- Digital Compression equipment-TX site (Includes encoders, controller, software etc. complete digital system)
- Combiners-New or retune
- Power Divider/Circulator Adjacent Channel Combiner Hardware
- Cabinets, cabling, feedline and connectors
- STL -fiber digital upgrade
- Installation cost due to adding addition broadcast antenna (4 or more Dig channel-required)
- Contract labor:
 - Tower
 - Building Modifications
 - Electrical/ HVAC
 - Mechanical
- Proof of performance testing (may be contracted)
- Engineering:
 - Structural
 - Path Interference Analysis
- Equipment disposal/shipping
- Training
- Program Management (third party or internal costs to manage the BTA conversion)
- Travel and Per Diem Cost

Qualified Receive Sites Only-Modifications (analog and digital)

- Digital set top boxes
- Downconverters(w/filtering)/antennas (Replacement Downconverters)
- Contract labor:
 - Ant change/DC install (Antenna Change May Be Necessary)
 - Electrical, mechanical.
- Project management (third party or internal costs to manage the BTA conversion)
- Proof of performance testing (may be contracted).
- Mini Headend (Cost Effective Distribution Method):
 - Modulators, combiners
 - Equipment racks
 - Amplifiers
- Cable, connectors
- Training

Misc. Transition Fees

- Filing Fees
- Arbitrator Fee
- Legal Fees

CERTIFICATE OF SERVICE

I hereby certify that, on this 10th day of March, 2005, copies of this ***REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION*** in WT Docket Nos. 03-66, 03-67, 02-68, 00-230 and MM Docket No. 97-217 were sent by e-mail or First Class Mail, postage prepaid, to the parties listed below.

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